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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER

SCUDERI, PHILIP S

ART UNIT PAPER NUMBER

2153

DATE MAILED: 11/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/965,548

Applicant(s)

PARKMAN, DAVID S.

Examiner

Philip S. Scuderi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 12-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-20 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is in response to Applicant's request for continued examination (RCE) filed on September 27th, 2005. Claims 1-6 and 12-20 are pending.

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-6, drawn to a wireless apparatus for connecting a computing device to a wireless network using a wireless network interface card and comprising a battery power source disposed within a housing of the apparatus.
- II. Claims 12-20, drawn to a wireless apparatus for connecting a computing device to a wireless network using a wireless network interface card and comprising a USB port for receiving a source of power to power the apparatus.

3. The inventions are distinct, each from the other because of the following reasons:

4. Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are not disclosed as capable of use together. Inventions I and II are disclosed in figures 2 and 3 respectively. Inventions I and II have different modes of operation. Invention I uses a battery to supply power and invention II uses a USB port to supply power.

5. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

6. A telephone call was made to Mark Elchuck on October 26th, 2005 to request an oral election to the above restriction requirement. Applicant elected Group II, claims 12-20, without

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traverse. Claims 1-6 are withdrawn from further consideration by the examiner, pursuant to 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Objections

7. A subsequent telephone call was made to Mark Elchuck on October 27th, 2005 since it appeared that claim 13 was meant to depend from claim 12, rather than from claim 1. Mr. Elchuck clarified that that claim 13 was meant to depend from claim 12. Examiner will treat the claims accordingly. Claim 13 is nonetheless objected to for this minor informality. Appropriate correction is required.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vaid (US 2002/0091843) in view of Tjalldin et al. (US 2004/0014497, hereinafter "Tjalldin"), and further in view of Bork et al. (US 6,633,932, hereinafter "Bork").

10. Regarding claim 12, Vaid discloses a wireless apparatus (figure 1 #106, figure 2 #208, figure 3 #300) for connecting a computing device (figure 1 #116) of an individual (figure 2) to a wireless network (paragraph 0022 lines 13-23), comprising:

a first connector interface cable comprising a connector for connecting the apparatus to a networking interface circuit of the computing device, and for receiving a first networking signal from the computing device (paragraph 0030); and

a conversion module (figure 3 #302, #304, and #310 are connected and collectively form a conversion module) having a first connector interface port (figure 4 #404) adapted to receive the first connector interface cable and to receive the first networking signal from the first connector interface cable (paragraph 0030), and a second connector interface port (figure 8 #812), the conversion module operable to convert the first networking signal into a second networking signal and to receive and convert wireless networking signals into a form that can be processed by the network interface circuit (paragraph 0037).

11. The mobile computer (i.e., the computing device) must comprise a networking interface circuit in order to connect to the apparatus using a wire (paragraph 0030). However, Vaid does not teach that such a networking interface circuit is housed within the mobile computer (i.e., the computing device) such that the conversion module interfaces the mobile computer without first requiring modification to hardware of the mobile computer. Examiner takes Official Notice of the widespread use of mobile computers with built-in LAN ports. It would have been obvious to one of ordinary skill in the art to use such a mobile computer, thereby enabling oneself to conveniently connect to local area networks.

12. Vaid does not expressly disclose that the wireless transceiver unit (i.e., the second connector interface port) receives a wireless networking interface card. However, Vaid does disclose that the

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wireless transceiver unit (i.e., the second connector interface port) may alternatively include circuitry for connecting to another device with a wireless port (paragraph 0048 lines 29-32). It was well known in the art to provide a wireless connection apparatus with a wireless networking interface card for connecting to a wireless network, as evidenced by Tjalldin. In a similar art, Tjalldin teaches a network connection apparatus (figure 1 #1) with a wireless networking interface card (figure 1 #5) for connecting to a wireless network (paragraph 0014 lines 1-6). Given the teachings of Tjalldin, it would have been obvious to one of ordinary skill in the art to provide a wireless networking interface card (another device with a wireless port) for connecting to the wireless network, thereby making the wireless network selectable (Tjalldin paragraph 0014 lines 1-6).

13. Vaid is silent with respect to how power is provided to the wireless apparatus. However, it was well known in the art to power a portable device by connecting the device to a Universal Serial Bus (USB) a mobile computer, as evidenced by Bork. In a similar art, Bork teaches a connector interface cable for connecting an apparatus to a Universal Serial Bus (USB) port of a mobile computing device for receiving a source of power to power the apparatus (column 6 lines 38-42). Given the teachings of Bork, it would have been obvious to one of ordinary skill in the art to provide a connector interface cable for connecting the wireless apparatus to a Universal Serial Bus (USB) port of the computing device for receiving a source of power to power the apparatus, thereby reducing the need for two power sources (1 for the computing device and 1 for the apparatus) to one power source (for the computing device only) (Bork column 2 lines 58-63).

14. Vaid does not expressly disclose using the wireless apparatus on a mobile platform. However, Vaid does that the wireless apparatus could use a cellular phone standard to connect to the Internet through the service provider (paragraph 0022 lines 13-22). The wireless apparatus would be able to connect to such networks while on an aircraft (i.e., a mobile platform) (e.g., at low

altitude or on the ground). It would have been obvious for a user to use the wireless apparatus to connect to the Internet while on an aircraft, thereby providing the user with instant access to any Internet service (e.g., web-based email).

15. Regarding claim 13, Vaid-Bork-Tjalldin teaches the apparatus applied to claim 12, wherein the second connector interface port (Vaid figure 8 #812) receives the second networking signal and sends the second networking signal to the wireless networking interface card (see the explanation in the rejection of claim 12).

16. Regarding claim 14, Vaid-Bork-Tjalldin teaches the apparatus applied to claim 13, wherein the wireless networking interface card (see the explanation in the rejection of claim 12) comprises an industry standard specification for the wireless network (Vaid paragraph 0022 lines 13-22).

17. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vaid in view of Tjalldin.

18. Regarding claim 15, Vaid discloses a wireless network (paragraph 0022 lines 13-23) and a portable apparatus (figure 1 #106, figure 2 #208, figure 3 #300) for connecting a computing device (figure 1 #116) of an individual (figure 2) to the wireless network (paragraph 0022 lines 13-23), the portable apparatus comprising:

a first cable comprising a connector for connecting the portable apparatus to a networking interface circuit of the computing device of the individual, the cable for receiving a first networking signal from the computing device (paragraph 0030); and

a conversion module (figure 3 #302, #304, and #310 are connected and collectively form a conversion module) having a first connector interface port (figure 4 #404) adapted to receive the cable to receive the first networking signal from the cable (paragraph 0030), and a second connector interface port (figure 8 #812), the conversion module operable to convert the first networking signal into a second networking signal (paragraph 0037).

19. The mobile computer (i.e., the computing device) must comprise a networking interface circuit in order to connect to the apparatus using a wire (paragraph 0030). However, Vaid does not teach that such a networking interface circuit is housed within the mobile computer (i.e., the computing device) such that the conversion module interfaces the mobile computer without first requiring modification to hardware of the mobile computer. Examiner takes Official Notice of the widespread use of mobile computers with built-in LAN ports. It would have been obvious to one of ordinary skill in the art to use such a mobile computer, thereby enabling oneself to conveniently connect to local area networks.

20. Vaid does not expressly disclose that the wireless transceiver unit (i.e., the second connector interface port) receives a wireless networking interface card for connecting to the wireless network (i.e., is disposed in the conversion module and is in communication with the conversion module for interfacing the second networking signal with the wireless network). However, Vaid does disclose that wireless transceiver unit (i.e., the second connector interface port) may alternatively include circuitry for connecting to another device with a wireless port (paragraph 0048 lines 29-32). It was well known in the art to provide a wireless connection apparatus with a wireless networking

interface card for connecting to a wireless network, as evidenced by Tjalldin. In a similar art, Tjalldin teaches a network connection apparatus (figure 1 #1) with a wireless networking interface card (figure 1 #5) for connecting to a wireless network (paragraph 0014 lines 1-6). Given the teachings of Tjalldin, it would have been obvious to one of ordinary skill in the art to provide a wireless networking interface card (another device with a wireless port) for connecting to the wireless network, thereby making the wireless network selectable (Tjalldin paragraph 0014 lines 1-6).

21. Vaid does not expressly disclose using the wireless apparatus on an aircraft. However, Vaid does that the wireless apparatus could use a cellular phone standard to connect to the Internet through the service provider (paragraph 0022 lines 13-22). The wireless apparatus would be able to connect to such networks while on an aircraft (e.g., at low altitude or on the ground). It would have been obvious for a user to use the wireless apparatus to connect to the Internet while on an aircraft, thereby providing the user with instant access to any Internet service (e.g., web-based email).

22. Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vaid in view of Tjalldin, and further in view of Bork.

23. Regarding claim 16, Vaid-Tjalldin teaches the aircraft applied to claim 15. Vaid is silent with respect to how power is provided to the wireless apparatus. However, it was well known in the art to power a portable device by connecting the device to a Universal Serial Bus (USB) a mobile computer, as evidenced by Bork. In a similar art, Bork teaches a connector interface cable for connecting an apparatus to a Universal Serial Bus (USB) port of a mobile computing device for receiving a source of power to power the apparatus (column 6 lines 38-42). Given the teachings of

Bork, it would have been obvious to one of ordinary skill in the art to provide a connector interface cable for connecting the wireless apparatus to a Universal Serial Bus (USB) port of the computing device for receiving a source of power to power the apparatus, thereby reducing the need for two power sources (1 for the computing device and 1 for the apparatus) to one power source (for the computing device only) (Bork column 2 lines 58-63).

24. Regarding claim 17, Vaid-Tjalldin-Bork teaches the aircraft applied to claim 16, wherein the second cable is a universal serial bus cable and the port is a universal serial bus port (see the explanation in the rejection of claim 16).

25. Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vaid in view of Bork.

26. Regarding claim 18, Vaid discloses a wireless apparatus (figure 1 #106, figure 2 #208, figure 3 #300) for connecting a computing device (figure 1 #116) of an individual (figure 2) to a wireless network (paragraph 0022 lines 13-23), comprising:

a first connector interface cable comprising a connector for connecting the apparatus to a networking interface circuit of the computing device, and for receiving a first networking signal from the computing device (paragraph 0030); and

a conversion module (figure 3 #302, #304, and #310 are connected and collectively form a conversion module) having a first connector interface port (figure 4 #404) adapted to receive the first connector interface cable and to receive the first networking signal from the first connector

interface cable (paragraph 0030), the conversion module operable to convert the first networking signal into a second networking signal (paragraph 0037).

27. The mobile computer (i.e., the computing device) must comprise a networking interface circuit in order to connect to the apparatus using a wire (paragraph 0030). However, Vaid does not teach that such a networking interface circuit is housed within the mobile computer (i.e., the computing device) such that the conversion module interfaces the mobile computer without first requiring modification to hardware of the mobile computer or that the mobile computer does not include a wireless network connectivity capability. Examiner takes Official Notice of the widespread use of mobile computers with built-in LAN ports that do not include a wireless network connectivity capability. It would have been obvious to one of ordinary skill in the art to use such a mobile computer, thereby enabling oneself to conveniently connect to local area networks without paying extra for wireless connectivity capability, since clearly at the time of invention wireless networks weren't as widespread as they are at present.

28. Vaid does not expressly disclose that the wireless transceiver unit receives a wireless networking interface card. However, Vaid does disclose that wireless transceiver unit may alternatively include circuitry for connecting to another device with a wireless port (paragraph 0048 lines 29-32). It was well known in the art to provide a wireless connection apparatus with a wireless networking interface card for connecting to a wireless network, as evidenced by Tjalldin. In a similar art, Tjalldin teaches a network connection apparatus (figure 1 #1) with a wireless networking interface card (figure 1 #5) for connecting to a wireless network (paragraph 0014 lines 1-6). Given the teachings of Tjalldin, it would have been obvious to one of ordinary skill in the art to provide a wireless networking interface card (another device with a wireless port) for connecting to the wireless network, thereby making the wireless network selectable (Tjalldin paragraph 0014 lines 1-6).

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29. Vaid is silent with respect to how power is provided to the wireless apparatus. However, it was well known in the art to power a portable device by connecting the device to a Universal Serial Bus (USB) a mobile computer, as evidenced by Bork. In a similar art, Bork teaches a connector interface cable for connecting an apparatus to a Universal Serial Bus (USB) port of a mobile computing device for receiving a source of power to power the apparatus (column 6 lines 38-42). Given the teachings of Bork, it would have been obvious to one of ordinary skill in the art to provide a connector interface cable for connecting the wireless apparatus to a Universal Serial Bus (USB) port of the computing device for receiving a source of power to power the apparatus, thereby reducing the need for two power sources (1 for the computing device and 1 for the apparatus) to one power source (for the computing device only) (Bork column 2 lines 58-63).

30. Regarding claim 19, Vaid-Bork teaches the apparatus applied to claim 18, wherein the second connector interface cable is a universal serial bus cable and the port is a universal serial bus port (see the explanation in the rejection of claim 18).

31. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vaid in view of Bork, and further in view of Tjalldin.

32. Regarding claim 20, Vaid-Bork teaches the apparatus applied to claim 18, further comprising a second connector interface port (Vaid figure 8 #812).

33. Vaid does not expressly disclose that the wireless transceiver unit (i.e., the second connector interface port) receives a wireless networking interface card for connecting to the wireless network.

However, Vaid does disclose that the wireless transceiver unit (i.e., the second connector interface port) may alternatively include circuitry for connecting to another device with a wireless port (paragraph 0048 lines 29-32). It was well known in the art to provide a wireless connection apparatus with a wireless networking interface card for connecting to a wireless network, as evidenced by Tjalldin. In a similar art, Tjalldin teaches a network connection apparatus (figure 1 #1) with a wireless networking interface card (figure 1 #5) for connecting to a wireless network (paragraph 0014 lines 1-6). Given the teachings of Tjalldin, it would have been obvious to one of ordinary skill in the art to provide a wireless networking interface card (another device with a wireless port) for connecting to the wireless network, thereby making the wireless network selectable (Tjalldin paragraph 0014 lines 1-6).

Response to Arguments

34. Applicant's arguments with respect to claims 12-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

35. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

36. McKenna et al. (US 6,788,935) disclose a gateway based on an aircraft that provides wireless network access to client devices. See figure 3.

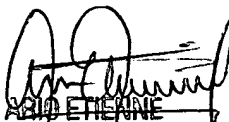
37. Frailong et al. (US 6,012,100) disclose a gateway with expansion cards used to provide alternate network interface means. See column 6 lines 21-34.

38. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip S. Scuderi whose telephone number is (571) 272-5865. The examiner can normally be reached on Monday-Friday 9:00 am - 5:30 pm.

39. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

40. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PSS


PHILIP S. SCUDERI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100